

REMARKS

Upon entry of the present amendment, claims 1 and 3-6 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. For example, claim 1 has been amended to recite limitations previously found in claim 2, and to additionally recite that the "raw material particles" are "raw material particles comprising at least 1 of a water-soluble polymer and a water-soluble salt". Support for this amendment occurs in the original filed application at page 3, lines 20-24.

Regarding the amendments made herein to claims 3-6, these amendments simply change the dependency of the claims to reflect that claim 2 is no longer pending.

Claim Rejections Under 35 USC § 112

Claims 1-2 and 4-6 have been rejected under 35 USC § 112, second paragraph. Reconsideration and withdrawal of this rejection is requested based upon the following considerations.

First, claim 1 has been amended to clarify that the "raw material particles" comprise "at least one of a water-soluble polymer and a water-soluble salt". Second, the limitations of

claim 2 have been inserted into claim 1, such that proper antecedent basis now occurs for the term "the aqueous medium" occurring in claim 5.

Accordingly, because Applicants' claims as instantly amended particularly and distinctly set forth Applicants' invention, it is submitted that the requirements of 35 USC § 112, second paragraph have been met, and that the outstanding rejection must be withdrawn.

Claim Rejections Under 35 USC § 102/103

Claims 1-3 and 5 have been rejected under 35 USC § 102(b) as being anticipated by Cheng US '130 (US 4,414,130), and claim 6 has been rejected over the same reference under 35 USC § 103(a). Further, each of claims 1, 3, 4 and 6 have been rejected under 35 USC § 102(b) or 35 USC § 102(e) over the references of Seiter et al. US '290 (US 4,707,290), Grecsek US '778 (US 5,024,778) or Kubota et al. US '453 (US 6,376,453). Reconsideration and withdrawal of each of these rejections is respectfully requested based upon the following considerations.

Distinctions over Cheng US '130

In the Office Action, at page 4, lines 1 to 4, the Examiner contends that even though Cheng does not explicitly disclose giving

a defect to a coating film containing a water-soluble component, it would be inherent for the process of Cheng to possess the same characteristics because the same process step and ingredients have been utilized. This assertion, however, is erroneous. The invention of Cheng is directed to a detergent builder particulate agglomerate comprising zeolite particles, sodium silicate, sodium carboxymethylcellulose and corn starch. In claim 1 of Cheng, there is the recited clause that "wherein the zeolite is combined with the sodium silicate, sodium carboxymethylcellulose and corn starch in the presence of about 15 % by weight water". According to column 14, lines 11-26 of the specification of Cheng, this recited clause means that water is used to help the binder to adhere to the particles of zeolite, so as to prepare an agglomerate. Accordingly, Cheng is entirely different from the present invention and the inventive process of "giving a defect to surfaces of particles or supporting a surfactant by water".

Accordingly, based upon the above considerations, it is clear that the cited disclosure of Cheng is not capable of either anticipating Applicants' claimed invention or rendering the same obvious. In this respect, the cited reference does not teach each of the limitations recited in the pending claims, and provides no motivation which would allow those of ordinary skill in the art to arrive at the invention as claimed. Absent such teachings and

motivations in the cited art, the cited reference of Cheng may not be used as a proper basis for rejecting Applicants' claims under 35 USC § 102(b) or 35 USC § 103(a).

Distinctions Over Seiter et al. US '290, Grecsek US '778 and Kubota et al. US '453

Each of the references of Seiter et al., Grecsek and Kubota et al. have been used to reject claims 1, 3, 4 and 6. As instantly amended, claim 1 incorporates limitations previously found in claim 2. Thus, since neither of these references were previously applied against claim 2, it follows that pending claim 1 and the remaining dependent claims therefrom (claims 3-6) are patentable and novel over the references of Seiter et al., Grecsek and Kubota et al.

Accordingly, the Examiner is respectfully requested to withdraw each of the outstanding rejections under 35 USC § 102 over the references of Seiter et al., Grecsek and Kubota et al.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance, clearly indicating that each of the pending claims 1 and 3-6 are allowed and patentable under the provisions of Title 35 of the United States Code.

Appl. No. 09/869,359

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881,) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

John W. Bailey, #32,881

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JWB/enm
1422-0481P